6

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,567	11/24/2003	Justin Russell Bendich	SJO920030051US1	5721

45216 7590 05/16/2007		EXAMINER	
Kunzler & McKenzie		SIKRI, ANISH	
8 EAST BROADWAY			
SUITE 600		ART UNIT	PAPER NUMBER
SALT LAKE CITY, UT 84111		2109	

MAIL DATE	DELIVERY MODE
05/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)
Office Action Summary		10/720,567	BENDICH ET AL.
		Examiner	Art Unit
		Anish Sikri	2109

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _24 November 2003_.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-22_ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-22_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _24 November 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _11/24/2003_.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement submitted on 11/24/2003 been considered

by the Examiner and made of record in the application file.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out

and distinctly claiming the subject matter which the applicant regards as his

invention.

Claims **14, 21 and 22** are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

Claim 14 recites the limitation that it refers to claim 1.   Whereas Claim 14 is of a

system and Claim 1 is of an apparatus. Claim 14 should refer to Claim 11, which refers

to a system. Appropriate correction is needed.

Claim 21 recites the limitation that it refers to claim 20. Whereas Claim 21 is of an apparatus and Claim 20 is of a computer readable storage medium. Claim 21 should refer to Claim 20, which refers to a computer readable storage medium. Appropriate correction is needed.

Claim 22 recites the limitation that it refers to claim 21. Whereas Claim 21 is of an apparatus and Claim 21 is of a computer readable storage medium. Claim 22 should refer to Claim 21, which refers to a computer readable storage medium. Appropriate correction is needed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a

foreign country or in public use or on sale in this country, more than one year

prior to the date of application for patent in the United States.

Claims 1-6, 15-20 are rejected under U.S.C. 102(b) as being anticipated by

Gajjar et al (US Pub 20020174306).

Consider **claim 1**, Gajjar et al clearly discloses modeling apparatus for provisioning a

storage resource, the apparatus comprising (Gajjar et al, [0007]-[0009]): a monitoring

module configured to monitor a plurality of existing storage resources corresponding to

a client (Gajjar et al, [0007]-[0009]), one of the plurality of existing storage resources

designated as a model storage resource (Gajjar et al, [0007]-[0009]); a policy module

configured to store a plurality of storage provisioning policies (Gajjar et al, [0007]-

[0009]), the plurality of storage provisioning policies defining a modeling policy (Gajjar et

al, [0007]-[0009]). A provisioning module configured to provision a new storage

resource for the client according to the modeling policy (Gajjar et al, [0007]-[0008]), the

new storage resource modeled after the model storage resource (Gajjar et al, [0007]-

[0008]). Gajjar et al's invention clearly shows the use of a storage provisioning polices for the purpose of allocating new storage resources to the apparatus.

Consider **Claim 2**, and as applied to claim 1, Gajjar et al discloses a specification module configured to allow a user to specify one of the plurality of storage provisioning policies (Gajjar et al, [0007]-[0009] and [0032]-[0033], and [0044]). Gajjar et al's invention clearly shows the use of a storage provisioning polices for the purpose of allocating new storage resources to the apparatus.

Consider **Claim 3**, and as applied to claim 1 above, Gajjar et al discloses where a model storage resource is stored in a storage pool in a storage server (Gajjar et al, [0023]) and the modeling policy specifies a storage location in which the new storage resource is provisioned (Gajjar et al, [0007]-[0008]). Gajjar et al's invention clearly shows the use of a storage provisioning polices for the purpose of allocating new storage resources to the apparatus.

Consider **Claim 4**, and as applied to claim 3 above, Gajjar et al discloses the storage location comprises the same storage server as the model storage resource (Gajjar et al, [0023]-[0024]). Gajjar et al's invention clearly shows that the storage can reside in a single standing server for the purpose of locally allocating storage resources locally.

Consider **Claim 5**, and as applied to claim 4 above, Gajjar et al, discloses the storage location comprises the same storage pool as the model storage resource

(Gajjar et al, [0023]). Gajjar et al's invention clearly shows that the locations of the storage resources are in the same apparatus.

Consider **Claim 6**, and as applied to claim 1 above, Gajjar et al, discloses the modeling policy specifies a model group to which the model storage resource belongs (Gajjar et al, [0007]-[0008]-[0009]). Gajjar et al invention clearly shows on how the modeling policy identifies the physical groups to which the storage resource belongs to on the apparatus.

Consider **Claim 15**, Gajjar et al discloses a computer readable storage medium comprising computer readable code configured to carry out a process for provisioning a storage resource (Gajjar et al, [0029]-[0030]), the process comprising: monitoring a plurality of existing storage resources corresponding to a client (Gajjar et al, [0007]-[0009] and [0032]-[0033], and [0044]); storing a plurality of storage provisioning policies (Gajjar et al, [0007]-[0009] and [0032]-[0033], and [0044]), the plurality of storage provisioning policies defining a modeling policy (Gajjar et al, [0007]-[0009]) and the provisioning a new storage resource for the client according to the storage provisioning policies (Gajjar et al, [0007]-[0009] and [0032]-[0033], and [0044]); the new storage resource modeled after one of the plurality of existing storage resources (Gajjar et al, [0007]-[0008]), the new storage resource modeled after the model storage resource (Gajjar et al, [0007]-[0008]). Gajjar et al's invention clearly shows the use of a storage provisioning polices for the purpose of allocating new storage resources to the system program.

Consider **Claim 16**, and as applied to claim 15 as above, Gajjar et al discloses disclose the process further comprises allowing a user to specify one of the plurality of storage provisioning policies (Gajjar et al, [0007]-[0008]). Gajjar et al's invention clearly shows the use of a storage provisioning polices for the purpose of allocating new storage resources to the system program.

Consider the **Claim 17**, and as applied to claim 15 as above, Gajjar et al as discloses the model storage resource is stored in a storage pool in a storage server (Gajjar et al, [0023]) and the modeling policy specifies a storage location in which the new storage resource is provisioned (Gajjar et al, [0007]-[0008]). Gajjar et al's invention clearly shows the use of a storage provisioning polices for the purpose of allocating new storage resources to the system program.

Consider the **Claim 18**, and as applied to claim 17 as above, Gajjar et al discloses the storage location comprises the same storage server as the model storage resource (Gajjar et al, [0023]-[0024]). Gajjar et al's invention clearly shows that the storage can reside in a single standing server for the purpose of locally allocating storage resources.

Consider **Claim 19**, and as applied to claim 18 as above, Gajjar et al, discloses the storage location comprises the same storage pool as the model storage resource

(Gajjar et al, [0023]). Gajjar et al invention clearly shows that the locations of the

storage resources are in the same system program.

Consider **Claim 20**, and as applied to claim 15 as above, Gajjar et al, discloses

the modeling policy specifies a model group to which the model storage resource

belongs (Gajjar et al, [0007]-[0008]-[0009]). Gajjar et al invention clearly shows on how

the modeling policy identifies the physical groups to which the storage resource belongs

to on the apparatus.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed

or described as set forth in section 102 of this title, if the differences between the

subject matter sought to be patented and the prior art are such that the subject

matter as a whole would have been obvious at the time the invention was made

to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negatived by the manner in which the invention was

made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.

2.   Ascertaining the differences between the prior art and the claims at issue.

3.   Resolving the level of ordinary skill in the pertinent art.

4.   Considering objective evidence present in the application indicating

       obviousness or nonobviousness.

Claims **7-14, 21 and 22** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Schutzman et al (US Pub 2003/0018656), in view of Gajjar et al (US

Pub 20020174306), and further in view of Dalal et al (US Pub 20040123063).

Consider **Claim 7**, and as applied to claim 6 above, Gajjar et al, fails to disclose

the model group comprises a volume group used by the client. Nonetheless, Dalal et al

clearly shows the model group comprises a volume group used by the client (Dalal et al,

[0019] and [0188]). Dalal et al's invention clearly shows on the use of volume groups.

Therefore it would have been obvious to a person of ordinary skill in the art at the time

of the invention was made to implement the use volume groups by client, taught by

Gajjar et al, for the purpose of creating local volume groups extents for allocating and

managing storage resources on the apparatus.

Consider **Claim 8**, and as applied to claim 1 above, Gajjar et al as modified by

Dalal et al, fails to disclose the new storage resource is assigned to a file system and

expands a storage capacity of the file system. Nonetheless, Dalal et al clearly shows

the new storage resource is assigned to a file system and expands a storage capacity

of the file system (Dalal et al, [0018]). The use of file system is clearly shown in Dalal et

al's invention of storage allocation. Therefore it would have been obvious to a person of

ordinary skill in the art at the time of the invention was made to implement the use of a

file system, taught by Gajjar et al, for the purpose having storage resources/physical

groups to be configured to use by the existing file system of the apparatus/server easily.

Consider **Claim 9**, and as applied to claim 8 above, Gajjar et al as modified by

Dalal et al, fails to disclose the modeling policy specifies a model group to which the

model storage resource belongs, the model group comprising a volume group in which

the file system is stored. Nonetheless, Dalal et al discloses the modeling policy

specifies a model group to which the model storage resource belongs, the model group

comprising a volume group in which the file system is stored (Dalal et al, [0018],[0019]

and [0188]). Dalal et al's invention clearly shows on the use of volume groups, which

are configured with the file system. Therefore it would have been obvious to a person

of ordinary skill in the art at the time of the invention was made to implement the use

volume groups configured with the file system of the server, taught by Gajjar et al, for

the purpose of creating and integrating the local volume groups extents to the file

system to increase the storage resource capabilities of the apparatus.

Consider **Claim 10**, and as applied to claim 1, Gajjar et al, fails to disclose the

new storage resource is assigned to a raw logical volume and expands a storage

capacity of the raw logical volume. Nonetheless, Dalal et al discloses the new storage

resource is assigned to a raw logical volume and expands a storage capacity of the raw

logical volume (Dalal et al, [0017]). Dalal et al invention clearly shows on how logical

volumes are added to the system. Therefore it would have been obvious to a person of

ordinary skill in the art at the time of the invention was made to implement the use

logical volumes configured to be used in the system, taught by Gajjar et al, for the

purpose of increasing or allocating storage resources of the apparatus.

Consider **Claim 11**, Gajjar et al discloses a storage resource manager server

configured to monitor a plurality of existing storage resources corresponding to the

client (Gajjar et al, [0007]-[0008], [0044]) and to provision a new storage resource for

the client according to a modeling policy (Gajjar et al, [0032]-[0033], and [0044]) and the

new storage resource modeled after a model storage resource; and a storage server

configured to store the model storage resource and the new storage resource (Gajjar et

al, [0007]-[0008]).

Gajjar et al fails to disclose a system, which indicates a client having a file

system. Nonetheless, Dalal et al clearly disclose a client having a file system (Dalal et

al, [0018]). The use of file system is clearly shown in Dalal et al's invention of storage

allocation.

Gajjar et al's invention clearly shows the use of a storage provisioning polices for

the purpose of allocating new storage resources to the system. Therefore, it would

have been obvious to a person of ordinary skill in the art at the time of the invention was

made to implement the use of a file system, taught by Gajjar et al, for the purpose of

accessing the new storage resources of the system.

Consider **Claim 12**, and as applied to claim 11 above, Gajjar et al, discloses

storage resource manager repository configured to store a plurality of storage

provisioning policies, the plurality of storage provisioning policies defining the modeling

policy (Gajjar et al, [0007]-[0008] and [0032]-[0033], and [0044]). Gajjar et al's invention

clearly shows the use of a storage provisioning polices for the purpose of allocating new

storage resources to the system.

Consider **Claim 13**, and as applied to claim 12 above, Gajjar et al discloses a

module where configured to allow a user to access and specify one of the pluarity of

storage provisioning policies (Gajjar et al, [0032]-[0033], and [0044]). Gajjar et al's

invention clearly shows the use of a storage provisioning polices for the purpose of

allocating new storage resources to the system by the user.

Consider **Claim 14**, and as applied to claim 1 above, Gajjar et al, discloses a

storage resource is stored in a storage pool in the storage server (Gajjar et al, [0023])

and the modeling policy specifies a storage location in which the new storage resource

is provisioned and specifies a model group to which the model storage resource

belongs (Gajjar et al, [0007]-[0008]). Gajjar et al's invention clearly shows the use of a

storage provisioning polices for the purpose of allocating new storage resources to the

system.

Consider **Claim 21**, and as applied to claim 20 as above, Gajjar et al, fails to

disclose the model group comprises a volume group used by the client. Nonetheless,

Dalal et al clearly shows the model group comprises a volume group used by the client

(Dalal et al, [0018]-[0019] and [0188]). Dalal et al's invention clearly shows on the use of volume groups. Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement the use volume groups by client, taught by Gajjar et al, for the purpose of creating local volume groups extents for allocating and managing storage resources on the system apparatus.

Consider **Claim 22**, and as applied to claim 21 as above, Gajjar et al as modified by Dalal et al, fails to disclose new storage resource corresponds to a file system and wherein the model group comprises a volume group in which the file system is stored. Nonetheless, Dalal et al discloses the new storage resource corresponds to a file system and wherein the model group comprises a volume group in which the file system is stored (Dalal et al, [0018]-[0019] and [0188]). Dalal et al's invention clearly shows on the use of volume groups, which are configured with the file system. Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement the use volume groups configured with the file system of the server, taught by Gajjar et al, for the purpose of creating and integrating the local volume groups extents to the file system to increase the storage resource capabilities of the system apparatus.

Conclusion

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed**

to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the

Examiner should be directed to Anish Sikri whose telephone number is (571) 270-1783.

The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's

supervisor, Rafael Pérez-Gutiérrez can be reached on (571) 272-7915. The fax phone

number for the organization where this application or proceeding is assigned is (571)
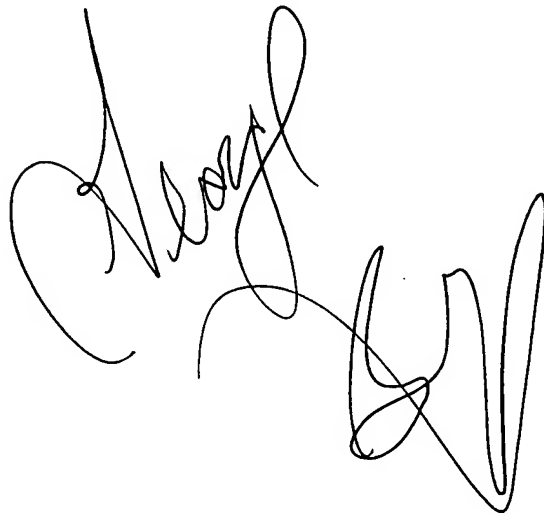
273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist/customer service whose telephone

number is (571) 272-2600.

Anish Sikri

A.S./as

May 13, 2007